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REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claims 1-12 remain pending in this application.

Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of US 6,724,538 B2.

The claims listed in the present application are patently distinct from the cited reference (US 6,724,538 B2). The structure and function of the claims in the present application are not inherent to the claims of '538. Since no claim comparison was given between '538 and the present application in the office action, a comparison of the first claims will be made, and it will be shown that a person of ordinary skill in the art would not conclude that the invention defined in the claims in issue are an obvious variation of the invention defined in claims 1-9 of the '538 patent.

First, "a transparent light guide plate" of claim 1 of the application is not disclosed in claim 1 of the '538 patent. Moreover, "a light entrance end plane thereof is oriented at the bottom [of the transparent light guide] and a light emission end plane thereof is oriented at the top" of claim 1 of this application is not disclosed in claim 1 of the '538 patent. Furthermore, "at least one luminous element disposed at the entrance end plane of the light guide plate" of claim 1 of this application is not disclosed in claim 1 of the '538 patent. These elements, whether evaluated separately or taken collectively, are distinct from "[a] head-up display for a motorcycle, which is adapted to inform a driver of traffic information by display of an image projected on a screen" of claim 1 of '538 (underlining added for emphasis). "Projected on a screen" is language descriptive of structure which is physically different, from a light guide.

Furthermore, if one considers the invention of '538 as a whole, no inherency can be shown since there is no disclosure nor teaching regarding a light guide plate in the '538 patent. As shown in Fig. 1 and Fig. 2 of the '538 patent, the head-up display 30 is such that light rays 41 emitted from the light emitting devices 35 of the projector 37 are made obliquely incident on the projection screen 38 of the windshield 18 at an angle Φ (support for this may be found in col. 3 lines 28-47). Use of structure such as head-up

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display 30 is extremely limited due to the high degree of geometric constraint that such reflected image solutions place on the surrounding vehicle structure and position of the driver. See page 2, lines 9-17 of the present specification. Because the '538 patent involves the reflection of an image from a projection screen which is the motorcycle windshield and does not involve the transmission of light through a transparent light guide plate, one of ordinary skill in the art would not conclude that the claims of the present application are an obvious variation of the invention defined in claims 1-9 of the '538 patent. Therefore the two inventions and the claims of the respective inventions are patentably distinct. The rejection based on the judicially created doctrine of obviousness-type double patenting should be withdrawn.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612)455-3802.

Respectfully submitted,



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